



**NEW MEXICO  
ENVIRONMENT DEPARTMENT**

Ground Water Quality Bureau

1190 Saint Francis Drive / PO Box 5469

Santa Fe, NM 87502-5469

Phone (505) 827-2900 Fax (505) 827-2965

[www.env.nm.gov](http://www.env.nm.gov)



***Draft: September 24, 2020***

**GROUND WATER QUALITY BUREAU  
DISCHARGE PERMIT  
Issued under 20.6.2 NMAC**

**Facility Name:** Petro Stopping Center #385  
**Discharge Permit Number:** DP-1204  
**Facility Location:** 14150 Highway 418 SW  
Deming, NM

**County:** Luna

**Permittee:** TA Operating, LLC  
**Mailing Address:** 24601 Center Ridge Road  
Westlake, OH 44145

**Facility Contact:** Ms. Katie Wells, Environmental Associate  
**Telephone Number/Email:** (440) 899-8375 / KWells@ta-petro.com

**Permitting Action:** Renewal

**Permit Issuance Date:**  
**Permit Expiration Date:**

**NMED Permit Contact:** Sandra Gabaldón  
**Telephone Number/Email:** (505) 827-2949/Sandra.gabaldon@state.nm.us

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**MICHELLE HUNTER**  
**Chief, Ground Water Quality Bureau**  
**New Mexico Environment Department**

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Date

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- Ground Water Discharge Permit Conditions for Synthetically Lined Lagoons – Liner  
Material and Site Preparation, Revision 0.0, May 2007

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## I. INTRODUCTION

The New Mexico Environment Department (NMED) issues this Discharge Permit Renewal (Discharge Permit), DP-1204, to the TA-Operating, LLC (Petro Stopping Center #385) (Permittee) pursuant to the New Mexico Water Quality Act (WQA), NMSA 1978 §§74-6-1 through 74-6-17, and the New Mexico Water Quality Control Commission (WQCC) Ground and Surface Water Protection Regulations, 20.6.2 NMAC.

NMED's purpose in issuing this Discharge Permit, and in imposing the requirements and conditions specified herein, is to control the discharge of water contaminants from Petro Stopping Center #385 (Facility) in order to protect groundwater and those segments of surface water gaining from ground water inflow for present and potential future use as domestic and agricultural water supply and other uses, and to protect public health. In issuing this Discharge Permit, NMED has determined that the requirements of Subsection C of 20.6.2.3109 NMAC have been met. Pursuant to Section 20.6.2.3104 NMAC, it is the responsibility of the Permittee to comply with the terms and conditions of this Discharge Permit; failure to do so may result in enforcement action by NMED (20.6.2.1220 NMAC).

A brief description of the activities that produce the discharge, the location of the discharge, and the quantity, quality and flow characteristics of the discharge are as follows.

Domestic wastewater is discharged at a volume up to 18,000 gallons per day (gpd) to a synthetically lined impoundment system for disposal by evaporation.

The discharge contains water contaminants that may be elevated above the standards of Section 20.6.2.3103 NMAC.

The facility is located 14150 Highway 418 SW approximately 15 miles west of Deming, in Sections 8, Township 24S, Range 11W, Luna County. Groundwater most likely to be affected is at a depth of approximately 169 feet and has a total dissolved solids concentration of approximately 390-400 milligrams per liter.

NMED issued the original Discharge Permit June 11, 2009 and subsequently renewed on September 9, 2014 and modified on August 26, 2015. The application (i.e., discharge plan) consists of the materials submitted by the Permittee dated May 9, 2019, and materials contained in the administrative record prior to issuance of this Discharge Permit. The Permittee shall manage the discharge in accordance with all conditions and requirements of this Discharge Permit.

NMED reserves the right to require a Discharge Permit Modification in the event NMED determines that the Permittee is or may be violating, or is likely to violate in the future, the

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requirements of 20.6.2 NMAC or the standards of Section 20.6.2.3103 NMAC. NMED reserves this right pursuant to Section 20.6.2.3109 NMAC. An NMED requirement to modify the Discharge Permit may result from a determination that structural controls and/or management practices approved under this Discharge Permit need to be more stringent to protect groundwater quality. NMED reserves the right to require the Permittee implement abatement of water pollution and remediate groundwater quality.

Issuance of this Discharge Permit does not relieve the Permittee of the responsibility to comply with the WQA, WQCC Regulations, and any other applicable federal, state and/or local laws and regulations, such as zoning requirements and nuisance ordinances.

This Discharge Permit may use the following acronyms and abbreviations.

Abbreviation	Explanation	Abbreviation	Explanation
BOD <sub>5</sub>	biochemical oxygen demand (5-day)	NMED	New Mexico Environment Department
CFR	Code of Federal Regulations	NMSA	New Mexico Statutes Annotated
CFU	Colony Forming Unit	NO <sub>3</sub> -N	nitrate-nitrogen
Cl	chloride	NTU	nephelometric turbidity units
EPA	United States Environmental Protection Agency	TDS	total dissolved solids
gpd	gallons per day	TKN	total Kjeldahl nitrogen
LAA	land application area	total nitrogen	= TKN + NO <sub>3</sub> -N
LADS	land application data sheet(s)	TRC	total residual chlorine
mg/L	milligrams per liter	TSS	total suspended solids
mL	milliliters	WQA	New Mexico Water Quality Act
MPN	Most Probable Number	WQCC	Water Quality Control Commission
NMAC	New Mexico Administrative Code	WWTF	Wastewater Treatment Facility

**II. FINDINGS**

In issuing this Discharge Permit, NMED finds the following.

1. The Permittee is discharging effluent or leachate from the Facility so that such effluent or

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leachate may move into groundwater of the State of New Mexico that has an existing concentration of 10,000 mg/L or less of TDS, within the meaning of subsection A of 20.6.2.3101 NMAC, without exceeding standards of 20.6.2.3103 NMAC for any water contaminant.

2. Pursuant to this Discharge Permit and Section 20.6.2.3104 NMAC, the Permittee is allowed to discharge effluent or leachate from the Facility directly or indirectly into groundwater.
3. The discharge from the Facility is not subject to any of the exemptions of Section 20.6.2.3105 NMAC.

**III. AUTHORIZATION TO DISCHARGE**

The Permittee is responsible for ensuring that discharges authorized by this Discharge Permit are consistent with the terms and conditions herein pursuant to 20.6.2.3104 NMAC.

This Discharge Permit authorizes the Permittee to discharge up to 18,000 gpd of domestic wastewater to a synthetically lined impoundment system for disposal by evaporation.

[20.6.2.3104 NMAC, Subsection C of 20.6.2.3106 NMAC, Subsection C of 20.6.2.3109 NMAC]

**IV. CONDITIONS**

NMED issues this Discharge Permit for the discharge of water contaminants subject to the following conditions.

**A. OPERATIONAL PLAN**

#	Terms and Conditions
1.	The Permittee shall implement the following operational plan to ensure compliance with Title 20, Chapter 6, Parts 2 and 4 NMAC.  [Subsection C of 20.6.2.3109 NMAC]
2.	The Permittee shall operate in a manner such that standards and requirements of Sections 20.6.2.3101 and 20.6.2.3103 NMAC are not violated.  [20.6.2.3101 NMAC, 20.6.2.3103 NMAC, Subsection C of 20.6.2.3109 NMAC]

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**Operating Conditions**

#	Terms and Conditions
3.	<p>The Permittee shall maintain fences around the septic tank, dosing tank and the evaporative impoundment system to control access by the general public and animals. The fences shall consist of a minimum of six-foot chain link or field fencing and locking gates. Fences shall be maintained throughout the term of this Discharge Permit.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
4.	<p>The Permittee shall install and maintain signs indicating that the wastewater at the Facility is not potable. The Permittee shall post signs at the Facility entrance and other areas where there is potential for public contact with wastewater. The signs shall be printed in English and Spanish and shall remain visible and legible for the term of this Discharge Permit.</p> <p>Documentation of sign installation shall consist of a date-stamped photographs. The Permittee shall submit the documentation to NMED in the next required periodic monitoring report.</p> <p>[Subsections B and C of 20.6.2.3109 NMAC, NMSA 1978, § 74-6-5.D]</p>
5.	<p>The Permittee shall maintain the impoundment liner in such a manner as to avoid conditions that could affect the liner or the structural integrity of the impoundment(s). Characterization of such conditions may include the following:</p> <ul style="list-style-type: none"> <li>• erosion damage;</li> <li>• animal burrows or other damage;</li> <li>• the presence of vegetation including aquatic plants, weeds, woody shrubs or trees growing within five feet of the top inside edge of a sub-grade impoundment, within five feet of the toe of the outside berm of an above-grade impoundment, or within the impoundment itself;</li> <li>• the presence of large debris or large quantities of debris in the impoundment;</li> <li>• evidence of seepage; or</li> <li>• evidence of berm subsidence.</li> </ul> <p>The Permittee shall routinely control vegetation growing around the impoundment(s) by mechanical removal in a manner that is protective of the impoundment liner.</p> <p>The Permittee shall visually inspect the impoundment and surrounding berms on a monthly basis to ensure proper maintenance. In the event that inspection reveals any evidence of damage that threatens the structural integrity of an impoundment berm or</p>

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#	Terms and Conditions
	<p>liner, or that may result in an unauthorized discharge, the Permittee shall implement the Contingency Plan set forth in this Discharge Permit.</p> <p>The Permittee shall create and maintain a log of all impoundment inspections which describes the findings and repairs, the date of the inspection, and the name of the person responsible for the inspection. The Permittee shall make the log available to NMED upon request.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
6.	<p>The Permittee shall inspect the septic tank semi-annually for the accumulation of scum and solids. In the event that the scum layer exceeds three inches or the settled solids occupy 30% or more of the tank volume, the contents of the tanks shall be pumped by a septage pumper meeting the qualification requirements identified in Subsection D of 20.7.3.904 NMAC, Liquid Waste Disposal and Treatment Regulations.</p> <p>The Permittee shall create and maintain a log of all septic tank inspections which describes the findings, repairs, and removals, the date of the inspection, and the name of the person responsible for the inspection.</p> <p>The Permittee shall maintain a record of solids removal and disposal, including the name of the septage hauler, date of off-site shipment, volume of solids removed, disposal method, and disposal location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
7.	<p>The Permittee shall inspect the grease interceptor on a monthly basis and remove accumulated grease and settled solids as needed to prevent them from exiting the unit.</p> <p>The Permittee shall create and maintain a log of all grease interceptor inspections which describes all findings, repairs, removals, the date of the inspection, and the name of the person responsible for the inspection.</p> <p>The Permittee shall maintain a record of grease/solids removal and disposal, including date, volume of grease/solids removed, disposal method and disposal location.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
8.	<p>The Permittee shall utilize operators, certified by the State of New Mexico at the appropriate level pursuant to 20.7.4 NMAC, to operate the wastewater collection, treatment and disposal systems. A certified operator or a direct supervisee of a certified</p>

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	<p>operator shall perform the operations and maintenance of all or any part of the wastewater system.</p> <p>The Permittee shall notify the NMED within 24 hours if at any time the Permittee no longer has a certified operator maintaining the system.</p> <p>[Subsection C of 20.6.2.3109 NMAC, 20.7.4 NMAC]</p>

**B. MONITORING AND REPORTING**

#	Terms and Conditions
9.	<p>The Permittee shall conduct the following monitoring, reporting, and other requirements listed below in accordance with the monitoring requirements of this Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
10.	<p>METHODOLOGY – Unless otherwise specified by this Discharge Permit, or approved in writing by NMED, the Permittee shall use sampling and analytical techniques that conform with the references listed in Subsection B of 20.6.2.3107 NMAC.</p> <p>[Subsection B of 20.6.2.3107 NMAC]</p>
11.	<p>Semi-annual monitoring: The Permittee shall perform monitoring during the following periods and shall submit semi-annual reports to NMED by the following due dates:</p> <ul style="list-style-type: none"> <li>• January 1<sup>st</sup> through June 30<sup>th</sup> – <b>due by August 1<sup>st</sup>; and</b></li> <li>• July 1<sup>st</sup> through December 31<sup>st</sup> – <b>due by February 1<sup>st</sup>.</b></li> </ul> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

***Ground Water Monitoring Conditions***

#	Terms and Conditions
12.	<p>The Permittee shall perform semi-annual ground water sampling in the following monitoring wells and analyze the samples for dissolved TKN, NO3-N, TDS and Cl:</p> <ul style="list-style-type: none"> <li>• MW-7, located hydrologically located upgradient of the facility.</li> <li>• MW-2, located cross gradient from MW-7</li> <li>• MW-8, located hydrologically downgradient of the evaporative impoundment (4-celled impoundment).</li> </ul>

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	<ul style="list-style-type: none"> <li>• MW-9 located hydrologically downgradient of the evaporative impoundments (2-single celled impoundments).</li> </ul> <p>The Permittee shall perform groundwater sample collection, preservation, transport and analysis according to the following procedures:</p> <ol style="list-style-type: none"> <li>a) Measure the depth-to-most-shallow groundwater from the top of the well casing to the nearest hundredth of a foot.</li> <li>b) Purge three well volumes of water from the well prior to sample collection.</li> <li>c) Obtain samples from the well for analysis.</li> <li>d) Properly prepare, preserve and transport samples.</li> <li>e) Analyze samples in accordance with the methods authorized in this Discharge Permit.</li> </ol> <p>The Permittee shall submit the depth-to-most-shallow groundwater measurements, analytical results, including the laboratory QA/QC summary report, and a Facility layout map showing the location and number of each well to NMED in the monitoring reports due by August 1st each year.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
13.	<p>The Permittee shall develop a groundwater elevation, i.e., potentiometric surface, contour map on a semi-annual basis using the top of casing elevation data from the monitoring well and the most recent depth-to-most-shallow groundwater measurements, referenced to mean sea level, obtained during the groundwater sampling required by this Discharge Permit.</p> <p>The groundwater elevation contour map shall depict the groundwater flow direction based on the groundwater elevation contours. The Permittee shall estimate groundwater elevations between monitoring well locations using common interpolation methods. The Permittee shall use a contour interval appropriate to the data, but the interval shall, in no case, be greater than two feet. Groundwater elevation contour maps shall depict the groundwater flow direction, using arrows, based on the orientation of the groundwater elevation contours, and the location and identification of each monitoring well and contaminant source.</p> <p>The Permittee shall submit a groundwater elevation contour map to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

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14.	<p>NMED shall have the option to perform downhole inspections of all groundwater monitoring wells identified in this Discharge Permit. NMED shall establish the inspection date and provide at least a 60-day notice to the Permittee by certified mail. The Permittee shall remove any existing dedicated pumps at least 48 hours prior to NMED inspection to allow adequate settling time of sediment agitated from pump removal.</p> <p>Should a Facility not have existing dedicated pumps but decide to install pumps in any of the monitoring wells, the Permittee shall notify NMED at least 90 days prior to pump installation so that NMED can schedule a downhole well inspection(s) prior to pump placement.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>

**Facility Monitoring Conditions**

#	Terms and Conditions
15.	<p>The Permittee shall estimate the monthly volume of wastewater received by the wastewater treatment system by recording meter readings for the facility’s water supply on a monthly basis and calculating the monthly and average daily usage volumes. The estimated monthly volume* (based upon meter readings) shall be used to calculate the average daily volume by the formula below.</p> <p style="text-align: center;">estimated monthly volume ÷ number of days between readings = average daily volume</p> <p>Each month, the Permittee shall make note of any significant uses of the water (e.g., irrigation, evaporative cooling or leaks) that do not contribute to the volume of wastewater received.</p> <p>The Permittee shall submit the monthly meter readings, estimated monthly and average influent volumes, and notes and estimated volume of significant uses to NMED in the monitoring reports due by August 1<sup>st</sup> of each year.</p> <p>*Should more than one flow meter exist for the facility’s water supply, the Permittee shall calculate the estimated monthly volume for the facility by adding the estimated monthly volume for each meter. This summation should be completed prior to calculating the average daily volume for the facility.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
16.	<p>The Permittee shall collect a composite wastewater sample on a semi-annual basis (once every six months) from the four-celled impoundment and the two single celled</p>

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	<p>impoundments. The composite sample shall consist of a minimum of six equal aliquots collected around the entire perimeter of the evaporative impoundment and thoroughly mixed. The composite sample shall be analyzed for:</p> <ul style="list-style-type: none"> <li>• TKN;</li> <li>• NO<sub>3</sub>-N;</li> <li>• TDS; and</li> <li>• Cl.</li> </ul> <p>The Permittee shall ensure the sample is properly prepared, preserved, transported and analyzed in accordance with the methods authorized in this Discharge Permit. The Permittee shall submit the analytical results, including the QA/QC summary and Chain of Custody, to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsections C and H of 20.6.2.3109 NMAC]</p>
17.	<p>The Permittee shall submit all records of solids and grease removal and disposal to NMED in the semi-annual monitoring reports.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>

**C. CONTINGENCY PLAN**

#	Terms and Conditions
18.	<p>In the event that groundwater monitoring indicates that a groundwater quality standard identified in Section 20.6.2.3103 NMAC is exceeded, the Permittee shall collect a confirmatory sample from the monitoring well within 15 days of receipt of the initial sampling results to confirm the initial sampling results.</p> <p>Within 60 days of confirmation of groundwater contamination, the Permittee shall submit to NMED a Corrective Action Plan that proposes, at a minimum, source control measures and an implementation schedule. The Plan shall be enacted as approved by NMED.</p> <p>Once invoked (whether during the term of this Discharge Permit, or after the term of this Discharge Permit and prior to the completion of the Discharge Permit closure plan requirements), this condition shall apply until the Permittee has fulfilled the requirements of this condition and groundwater monitoring confirms for a minimum of</p>

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	<p>eight (8) consecutive quarterly samples that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater.</p> <p>If the groundwater standard continues to be violated 180 days after the confirmation of groundwater contamination, the Permittee may be required to abate water pollution consistent with the requirements and provisions of Section 20.6.2.4101, Section 20.6.2.4103, Subsections C and E of 20.6.2.4106, Section 20.6.2.4107, Section 20.6.2.4108 and Section 20.6.2.4112 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>
19.	<p>In the event that information available to NMED indicates that a well is not constructed in a manner consistent with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011; contains insufficient water to effectively monitor groundwater quality; or is not completed in a manner that is protective of groundwater quality, the Permittee shall install a replacement well(s) within 120 days following notification from NMED.</p> <p>The Permittee shall survey the replacement monitoring well(s) within 30 days following well completion.</p> <p>The Permittee shall install replacement wells at locations approved by NMED and completed in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map to NMED within 60 days following well completion.</p> <p>The Permittee shall properly plug and abandon the monitoring well requiring replacement upon completion of the replacement monitoring well. The Permittee shall complete the well plugging and abandonment, and shall document the abandonment procedures, in accordance with the attachment titled <i>New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines</i>, Revision 1.1, March 2011, and all applicable local, state, and federal regulations. The Permittee shall submit well abandonment documentation to NMED within 60 days of completion of well plugging activities.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
20.	<p>In the event that groundwater flow information obtained pursuant to this Discharge Permit indicates that a monitoring well is not appropriately located, e.g., hydrologically downgradient of the discharge location it is intended to monitor, the Permittee shall</p>

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	<p>install a replacement well within 120 days following notification from NMED. The Permittee shall survey the replacement monitoring well within 150 days following notification from NMED.</p> <p>The Permittee shall install replacement wells at locations approved by NMED prior to installation and completed in accordance with the attachment titled New Mexico Environment Department Ground Water Quality Bureau Monitoring Well Construction and Abandonment Guidelines, Revision 1.1, March 2011. The Permittee shall submit construction and lithologic logs, survey data and a groundwater elevation contour map within 30 days following well completion.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
21.	<p>In the event that inspection reveals significant damage has occurred or is likely to affect the structural integrity of a impoundment liner or its ability to contain contaminants, the Permittee shall propose the repair or replacement of the impoundment liner by submitting a Corrective Action Plan (CAP) to NMED for approval. The Permittee shall ensure the CAP is submitted to NMED within 30 days after discovery of the damage or following notification from NMED that significant liner damage is evident. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions. The Permittee shall initiate implementation of the CAP following approval by NMED.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection C of 20.6.2.3109 NMAC]</p>
22.	<p>In the event that a minimum of two feet of freeboard cannot be preserved in an impoundment, the Permittee shall take actions authorized by this Discharge Permit and all applicable local, state, and federal regulations to restore the required freeboard.</p> <p>In the event that two feet of freeboard cannot be restored within a period of 72 hours following discovery, the Permittee shall propose actions to be immediately implemented to restore two feet of freeboard by submitting a short-term Corrective Action Plan (CAP) to NMED for approval. Examples of short-term corrective actions include the pumping and hauling of excess wastewater from the impoundment or reducing the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and shall submit the CAP within 15 days following the date when the exceedance was discovered. The Permittee shall implement the CAP following approval by NMED.</p> <p>In the event that the short-term corrective actions failed to restore two feet of freeboard, the Permittee shall propose permanent corrective actions in a long-term CAP submitted to NMED within 90 days following failure of the short-term CAP. Examples</p>

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	<p>include the installation of an additional storage impoundment or a significant/permanent reduction in the volume of wastewater discharged to the impoundment. The Permittee shall ensure the CAP includes a schedule for completion of corrective actions and that implementation of the CAP is initiated following NMED approval.</p> <p>[Subsection A of 20.6.2.3107 NMAC]</p>
23.	<p>In the event that a release (commonly known as a “spill”) occurs that is not authorized under this Discharge Permit, the Permittee shall take measures to mitigate damage from the unauthorized discharge and initiate the notifications and corrective actions required in Section 20.6.2.1203 NMAC and summarized below.</p> <p>Within <u>24 hours</u> following discovery of the unauthorized discharge, the Permittee shall verbally notify NMED and provide the following information.</p> <ol style="list-style-type: none"> <li>a) The name, address, and telephone number of the person or persons in charge of the facility, as well as of the owner and/or operator of the facility.</li> <li>b) The name and address of the facility.</li> <li>c) The date, time, location, and duration of the unauthorized discharge.</li> <li>d) The source and cause of unauthorized discharge.</li> <li>e) A description of the unauthorized discharge, including its estimated chemical composition.</li> <li>f) The estimated volume of the unauthorized discharge.</li> <li>g) Any actions taken to mitigate immediate damage from the unauthorized discharge.</li> </ol> <p>Within <u>one week</u> following discovery of the unauthorized discharge, the Permittee shall submit written notification to NMED with the information listed above and any pertinent updates.</p> <p>Within <u>15 days</u> following discovery of the unauthorized discharge, the Permittee shall submit a corrective action report/plan to NMED describing any corrective actions taken and/or to be taken relative to the unauthorized discharge that includes the following information.</p> <ol style="list-style-type: none"> <li>a) A description of proposed actions to mitigate damage from the unauthorized discharge.</li> <li>b) A description of proposed actions to prevent future unauthorized discharges of this nature.</li> <li>c) A schedule for completion of proposed actions.</li> </ol> <p>In the event that the unauthorized discharge causes or may with reasonable probability cause water pollution in excess of the standards and requirements of Section 20.6.2.4103</p>

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	<p>NMAC, and the water pollution will not be abated within 180 days after notice is required to be given pursuant to Paragraph (1) of Subsection A of 20.6.2.1203 NMAC, the Permittee may be required to abate water pollution pursuant to Sections 20.6.2.4000 through 20.6.2.4115 NMAC.</p> <p>Nothing in this condition shall be construed as relieving the Permittee of the obligation to comply with all requirements of Section 20.6.2.1203 NMAC.</p> <p>[20.6.2.1203 NMAC]</p>
24.	<p>In the event that NMED or the Permittee identifies any failures of the discharge plan or this Discharge Permit not specifically noted herein, NMED may require the Permittee to submit a Corrective Action Plan and a schedule for completion of corrective actions to address the failure(s). Additionally, NMED may require a Discharge Permit modification to achieve compliance with 20.6.2 NMAC.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection E of 20.6.2.3109 NMAC]</p>

**D. CLOSURE PLAN**

***Permanent Facility Closure Conditions***

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25.	<p>In the event the facility, or a component thereof, is proposed to be permanently closed, the Permittee shall perform the following closure measures.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundment(s), the line leading to the impoundment shall be plugged so that a discharge can no longer occur.</p> <p>Within <u>60 days</u> of ceasing to discharge to the impoundment(s), wastewater shall be evaporated or drained from the impoundment and any other wastewater system components and disposed of in accordance with all local, state, and federal regulations.</p> <p>Within <u>90 days</u> of ceasing to discharge to the impoundment(s), the Permittee shall submit a sludge removal and disposal plan to NMED for approval. The Permittee shall initiate implementation of the plan within 30 days following approval by NMED. The sludge removal and disposal plan shall include the following information.</p> <p>a) The estimated volume and dry weight of sludge to be removed and disposed, including measurements and calculations.</p>

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	<p>b) Analytical results for samples of the sludge taken from the impoundment for TKN, NO<sub>3</sub>-N, percent total solids, and any other parameters tested (reported in mg/kg, dry weight basis).</p> <p>c) The method of sludge <i>removal</i> from the impoundment(s).</p> <p>d) The method of <i>disposal</i> for all of the sludge (and its contents) removed from the impoundment(s). The method shall comply with all local, state and federal regulations, including 40 CFR Part 503. <i>Note: A proposal that includes the surface disposal of sludge may be subject to Ground Water Discharge Permitting requirements pursuant to 20.6.2.3104 NMAC that are separate from the requirements of this Discharge Permit.</i></p> <p>e) A schedule for completion of sludge removal and disposal not to exceed two years from the date discharge to the impoundment(s) ceased.</p> <p>Within <u>one year</u> following completion of the sludge removal and disposal, the Permittee shall complete the following closure measures.</p> <p>a) Remove all lines leading to and from the impoundment(s), or permanently plug and abandon them in place.</p> <p>b) Remove or demolish any other wastewater system components and re-grade area with suitable fill to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>c) Perforate or remove the impoundment liner(s).</p> <p>d) Fill the impoundment(s) with suitable fill.</p> <p>e) Re-grade the impoundment site to blend with surface topography, promote positive drainage and prevent ponding.</p> <p>The Permittee shall continue groundwater monitoring until the requirements of this condition have been met and groundwater monitoring confirms for a minimum of eight consecutive quarterly groundwater sampling events that the standards of Section 20.6.2.3103 NMAC are not exceeded in groundwater. This period is referred to as "post-closure".</p> <p>If at any time monitoring results show an exceedance of a groundwater quality standard in Section 20.6.2.3103 NMAC, the Permittee shall implement the Contingency Plan required by this discharge Permit.</p> <p>Following notification from NMED that post-closure monitoring may cease, the Permittee shall plug and abandon the monitoring well(s) in accordance with the attachment titled <i>Ground Water Discharge Permit Monitoring Well Construction and Abandonment Conditions</i>, Revision 1.1, March 2011.</p>

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	<p>When the Permittee has met all closure and post-closure requirements and verified with date stamped photographic evidence or an associated NMED inspection, the Permittee may submit to NMED a written request, including photographic evidence, for termination of Discharge Permit.</p> <p>[Subsection A of 20.6.2.3107 NMAC, Subsection D of 20.6.2.4103 NMAC, 40 CFR Part 503]</p>

**E. GENERAL TERMS AND CONDITIONS**

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26.	<p>RECORD KEEPING - The Permittee shall maintain a written record of:</p> <ul style="list-style-type: none"> <li>• Information and data used to complete the application for this Discharge Permit;</li> <li>• Any releases (commonly known as “spills”) not authorized under this Discharge Permit and reports submitted pursuant to 20.6.2.1203 NMAC;</li> <li>• The operation, maintenance, and repair of all facilities/equipment used to treat, store or dispose of wastewater;</li> <li>• Facility record drawings (plans and specifications) showing the actual construction of the Facility and bear the seal and signature of a licensed New Mexico professional engineer;</li> <li>• Copies of logs, inspection reports, and monitoring reports completed and/or submitted to NMED pursuant to this Discharge Permit;</li> <li>• The volume of wastewater or other wastes discharged pursuant to this Discharge Permit;</li> <li>• Groundwater quality and wastewater quality data collected pursuant to this Discharge Permit;</li> <li>• Copies of construction records (well log) for all sampled groundwater monitoring wells pursuant to this Discharge Permit;</li> <li>• The maintenance, repair, replacement or calibration of any monitoring equipment or flow measurement devices required by this Discharge Permit; and</li> <li>• Data and information related to field measurements, sampling, and analysis conducted pursuant to this Discharge Permit, including:             <ul style="list-style-type: none"> <li>○ the dates, location and times of sampling or field measurements;</li> <li>○ the name and job title of the individuals who performed each sample collection or field measurement;</li> <li>○ the sample analysis date of each sample</li> <li>○ the name and address of the laboratory, and the name of the signatory authority for the laboratory analysis;</li> <li>○ the analytical technique or method used to analyze each sample or collect each field measurement;</li> </ul> </li> </ul>

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	<ul style="list-style-type: none"> <li>○ the results of each analysis or field measurement, including raw data;</li> <li>○ the results of any split, spiked, duplicate or repeat sample; and</li> <li>○ a copy of the laboratory analysis chain-of-custody as well as a description of the quality assurance and quality control procedures used.</li> </ul> <p>The Permittee shall maintain the written record at a location accessible to NMED during a Facility inspection for a lifetime of the Discharge Permit. The Permittee shall make the record available to the department upon request.</p> <p>[Subsections A and D of 20.6.2.3107 NMAC]</p>
27.	<p>INSPECTION and ENTRY – The Permittee shall allow NMED to inspect the Facility and its operations that are subject to this Discharge Permit and the WQCC regulations. NMED may upon presentation of proper credentials, enter at reasonable times upon or through any premises in which a water contaminant source is located or in which any maintained records required by this Discharge Permit, the regulations of the federal government, or the WQCC are located.</p> <p>The Permittee shall allow NMED to have access to and reproduce for their use any copy of the records, and to perform assessments, sampling or monitoring during an inspection for the purpose of evaluating compliance with this Discharge Permit and the WQCC regulations.</p> <p>No person shall construe anything in this Discharge Permit as limiting in any way the inspection and entry authority of NMED under the WQA, the WQCC Regulations, or any other local, state or federal regulations.</p> <p>[Subsection D of 20.6.2.3107 NMAC, NMSA 1978, §§ 74-6-9.B and 74-6-9.E]</p>
28.	<p>DUTY to PROVIDE INFORMATION - The Permittee shall, upon NMED’s request, allow for NMED’s inspection/duplication of records required by this Discharge Permit and/or furnish to NMED copies of such records.</p> <p>[Subsection D of 20.6.2.3107 NMAC]</p>
29.	<p>MODIFICATIONS and/or AMENDMENTS – In the event the Permittee proposes a change to the Facility or the Facility’s discharge that would result in a change in the volume discharged; the location of the discharge; or in the amount or character of water contaminants received, treated or discharged by the Facility, the Permittee shall notify NMED prior to implementing such changes. The Permittee shall obtain approval (which may require modification of this Discharge Permit) from NMED prior to implementing such changes.</p>

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	<p>[Subsection C of 20.6.2.3107 NMAC, Subsections E and G of 20.6.2.3109 NMAC]</p>
30.	<p>PLANS and SPECIFICATIONS – In the event the Permittee proposes to construct a wastewater system or change a process unit of an existing system such that the quantity or quality of the discharge will change substantially from that authorized by this Discharge Permit, the Permittee shall submit construction plans and specifications of the proposed system or process unit to NMED for approval prior to the commencement of construction.</p> <p>In the event the Permittee implements changes to the wastewater system authorized by this Discharge Permit that result in only a minor effect on the character of the discharge, the Permittee shall report such changes (including the submission of record drawings where applicable) to NMED prior to implementation.</p> <p>[Subsections A and C of 20.6.2.1202 NMAC, NMSA 1978, §§ 61-23-1 through 61-23-32]</p>
31.	<p>CIVIL PENALTIES - Any violation of the requirements and conditions of this Discharge Permit, including any failure to allow NMED staff to enter and inspect records or facilities, or any refusal or failure to provide NMED with records or information, may subject the Permittee to a civil enforcement action. Pursuant to WQA 74-6-10(A) and (B), such action may include a compliance order requiring compliance immediately or in a specified time, assessing a civil penalty, modifying or terminating the Discharge Permit, or any combination of the foregoing; or an action in district court seeking injunctive relief, civil penalties, or both. Pursuant to WQA 74-6-10(C) and 74-6-10.1, civil penalties of up to \$15,000 per day of noncompliance may be assessed for each violation of the WQA 74-6-5, the WQCC Regulations, or this Discharge Permit, and civil penalties of up to \$10,000 per day of noncompliance may be assessed for each violation of any other provision of the WQA, or any regulation, standard, or order adopted pursuant to such other provision. In any action to enforce this Discharge Permit, the Permittee waives any objection to the admissibility as evidence of any data generated pursuant to this Discharge Permit.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10 and 74-6-10.1]</p>
32.	<p>CRIMINAL PENALTIES – No person shall:</p> <ul style="list-style-type: none"> <li>• Make any false material statement, representation, certification or omission of material fact in an application, record, report, plan or other document filed, submitted or maintained under the WQA;</li> <li>• Falsify, tamper with or render inaccurate any monitoring device, method or record maintained under the WQA; or</li> </ul>

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	<ul style="list-style-type: none"> <li>• Fail to monitor, sample or report as required by a permit issued pursuant to a state or federal law or regulation.</li> </ul> <p>Any person who knowingly violates or knowingly causes or allows another person to violate the requirements of this condition is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who is convicted of a second or subsequent violation of the requirements of this condition is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition or knowingly causes another person to violate the requirements of this condition and thereby causes a substantial adverse environmental impact is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15. Any person who knowingly violates the requirements of this condition and knows at the time of the violation that he is creating a substantial danger of death or serious bodily injury to any other person is guilty of a second degree felony and shall be sentenced in accordance with the provisions of NMSA 1978, § 31-18-15.</p> <p>[20.6.2.1220 NMAC, NMSA 1978, §§ 74-6-10.2.A through 74-6-10.2.F]</p>
33.	<p>COMPLIANCE with OTHER LAWS - Nothing in this Discharge Permit shall be construed in any way as relieving the Permittee of the obligation to comply with any other applicable federal, state, and/or local laws, regulations, zoning requirements, nuisance ordinances, permits or orders.</p> <p>[NMSA 1978, § 74-6-5.L]</p>
34.	<p>RIGHT to APPEAL - The Permittee may file a petition for review before the WQCC on this Discharge Permit. Such petition shall be in writing to the WQCC within thirty days of the receipt of postal notice of this Discharge Permit and shall include a statement of the issues raised and the relief sought. Unless the Permittee files a timely petition for review, the decision of NMED shall be final and not subject to judicial review.</p> <p>[20.6.2.3112 NMAC, NMSA 1978, § 74-6-5.O]</p>
35.	<p>TRANSFER of DISCHARGE PERMIT - Prior to the transfer of any ownership, control, or possession of this Facility or any portion thereof, the Permittee shall:</p> <ul style="list-style-type: none"> <li>• Notify the proposed transferee in writing of the existence of this Discharge Permit;</li> <li>• Include a copy of this Discharge Permit with the notice; and</li> <li>• Deliver or send by certified mail to NMED a copy of the notification and proof that the proposed transferee has received such notification.</li> </ul>

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	<p>The Permittee shall continue to be responsible for any discharge from the Facility, until both ownership and possession of the Facility have been transferred to the transferee.</p> <p>[20.6.2.3111 NMAC]</p>
36.	<p>PERMIT FEES – The Permittee shall be aware that the payment of permit fees is due at the time of Discharge Permit approval. The Permittee may pay the permit fees in a single payment or they may pay the fee in equal installments on a yearly basis over the term of the Discharge Permit. The Permittee shall remit single payments to NMED no later than 30 days after the Discharge Permit effective date. The Permittee shall remit initial installment payments to NMED no later than 30 days after the Discharge Permit effective date; with subsequent installment payments remitted to NMED no later than the anniversary of the Discharge Permit effective date.</p> <p>Permit fees are associated with <u>issuance</u> of this Discharge Permit. No person shall construe anything in this Discharge Permit as relieving the Permittee of the obligation to pay all permit fees assessed by NMED. A Permittee that ceases discharging or does not commence discharging from the Facility during the term of the Discharge Permit shall pay all permit fees assessed by NMED. NMED shall suspend or terminate an approved Discharge Permit if the Permittee fails to remit an installment payment by its due date.</p> <p>[Subsection F of 20.6.2.3114 NMAC, NMSA 1978, § 74-6-5.K]</p>